

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 05 May 2000 (05.05.00)	
International application No. PCT/US99/20128	Applicant's or agent's file reference CM1903/MH
International filing date (day/month/year) 01 September 1999 (01.09.99)	Priority date (day/month/year) 01 September 1998 (01.09.98)
Applicant CAMPESTRINI, Sandro et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

16 March 2000 (16.03.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not**BEST AVAILABLE COPY**

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Claudio Borton
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM1903/MH	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 20128	International filing date (day/month/year) 01/09/1999	(Earliest) Priority Date (day/month/year) 01/09/1998
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

T/US 99/20128

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C11D3/39

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 2 285 629 A (PROCTER & GAMBLE) 19 July 1995 (1995-07-19) page 7, line 29 -page 8, line 27 claims 1-6 ---	1-3,7,8
X	EP 0 717 102 A (PROCTER & GAMBLE) 19 June 1996 (1996-06-19) table 1 claims 1-8 ---	1-3,7,8
X	WO 98 03621 A (HUTTON HOWARD DAVID ;OFOSU ASANTE KOFI (US); PROCTER & GAMBLE (US)) 29 January 1998 (1998-01-29) example III ---	1-3,7,8
X	WO 97 18289 A (PROCTER & GAMBLE) 22 May 1997 (1997-05-22) page 5, line 19 -page 6, line 26 ---	1-3,8
-/--		

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

21 December 1999

Date of mailing of the international search report

11/01/2000

Name and mailing address of the ISA

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Richards, M

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 99/20128

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 154 695 A (COMYNS ALAN E ET AL) 15 May 1979 (1979-05-15) claims 1,2 ---	1-3,8
X	US 5 338 474 A (KAISERMAN HOWARD B ET AL) 16 August 1994 (1994-08-16) column 4, line 15 - line 19 claim 1 ---	1-3,8
X	DATABASE WPI Section Ch, Week 9625 Derwent Publications Ltd., London, GB; Class D25, AN 96-247113 XP002091216 & JP 08 100196 A (KAO CORP), 16 April 1996 (1996-04-16) cited in the application abstract ---	1-3,8
A	WO 93 07086 A (PROCTER & GAMBLE) 15 April 1993 (1993-04-15) claim 1 -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/20128

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
GB 2285629	A	19-07-1995	CA	2180716 A	20-07-1995
			EP	0740521 A	06-11-1996
			WO	9519132 A	20-07-1995
EP 0717102	A	19-06-1996	CA	2164530 A	10-06-1996
WO 9803621	A	29-01-1998	AU	3661697 A	10-02-1998
			AU	3661797 A	10-02-1998
			AU	3661897 A	10-02-1998
			EP	0915952 A	19-05-1999
			EP	0915953 A	19-05-1999
			WO	9803622 A	29-01-1998
			WO	9803623 A	29-01-1998
			ZA	9706557 A	01-09-1998
WO 9718289	A	22-05-1997	US	5663133 A	02-09-1997
			CA	2236781 A	22-05-1997
US 4154695	A	15-05-1979	GB	1538744 A	24-01-1979
			AT	381505 B	27-10-1986
			AT	349876 A	15-03-1986
			AU	508035 B	06-03-1980
			AU	1358076 A	10-11-1977
			BE	841717 A	12-11-1976
			BR	7602975 A	07-06-1977
			CA	1066717 A	20-11-1979
			DD	125763 A	18-05-1977
			DE	2620723 A	25-11-1976
			DK	209476 A	14-11-1976
			ES	447857 A	01-12-1977
			FR	2311089 A	10-12-1976
			IN	145210 A	09-09-1978
			JP	1287888 C	14-11-1985
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			LU	74930 A	17-01-1977
			NL	7605098 A	16-11-1976
			RO	77510 A	04-11-1981
			SE	420419 B	05-10-1981
			SE	7605418 A	14-11-1976
			YU	122276 A	31-12-1979
US 5338474	A	16-08-1994	NONE		
JP 8100196	A	16-04-1996	NONE		
WO 9307086	A	15-04-1993	CA	2120491 A	15-04-1993
			EP	0646168 A	05-04-1995
			JP	6511223 T	15-12-1994
			PT	100921 A	30-11-1993

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM1903/MH	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/20128	International filing date (day/month/year) 01/09/1999	Priority date (day/month/year) 01/09/1998
International Patent Classification (IPC) or national classification and IPC C11D3/39		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16/03/2000	Date of completion of this report 20.11.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Culmann, J-C Telephone No. +49 89 2399 8487



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/20128

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-32 as originally filed

Claims, No.:

1-8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/20128

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims
	No: Claims 1-8
Inventive step (IS)	Yes: Claims
	No: Claims 1-8
Industrial applicability (IA)	Yes: Claims 1-8
	No: Claims

2. Citations and explanations
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/20128

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability

The current claims relate to the use of specific diacyl peroxides in a bleaching composition to provide stain removal and improved fabric colour safety.

The claims are interpreted as relating actually to the use of said chemicals in a bleaching composition.

The feature "to provide stain removal and improved fabric colour safety" is a statement which is merely a technical explanation or discovery.

When the use of said species in a bleaching composition is already known in the art, the incriminated feature cannot **on its own** lead to the conclusion that a different, novel technical application or use thereof has been made, both of them being different from what is known from the art.

In other words, this feature has no bearing upon the novelty of the claims which comprise it.

∴

1. The Applicant found that:

- the peroxides he uses deliver good stain removal performance when compared with dialiphatic diacyl peroxide or diaromatic diacyl peroxide;
- the peroxides he uses reduce the colour damage of coloured fabrics;
- colour safety is achieved due to the lower reactivity of the species he uses;
- the presence of a second peroxygen bleach, preferably hydrogen peroxide, contributes to the cleaning and bleaching benefits of the composition.

2. In one of his own patent application, see D1 (BE-A-603 768, not cited in the search report, copy enclosed), the Applicant preferably used species which were said to have no or a very low bleaching capacity (see D1 on page 7, the first paragraph).

That is confirmed by the compositions illustrating the invention: the amount of peroxide is surprisingly low, the amount of hydrogen peroxide is however not.

Using ineffective peroxide compounds (which cannot thus be harmful to coloured fabrics) in an otherwise H_2O_2 containing composition is trivial.

3. The explanation of the poor colour safety observed for some dialiphatic diacyl peroxides or diaromatic diacyl peroxides is found in D2 (US-A-4 154 695), at column 1: under mildly alkaline conditions, asymmetric diacyl peroxides have a tendency to form substantially insoluble peroxides which lead to localised damage to fibre or dyestuff.

The Examining Authority does not exclude that the Applicant is actually aware of the point, for he formulated all the exemplifying compositions at an acidic pH.

4. The subject-matter of the present application (and hence, of current claims 1 to 8) lacks an inventive step over D1.
5. Incidentally, the subject-matter of claims 1 to 8 lacks novelty over D1, see the liquid bleaching compositions of Example IV (which comprise coco soap), wherein the following peroxides

- (substituted or not substituted) benzoyl succinyl peroxide
- (substituted or not substituted) benzoyl acetyl peroxide

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/20128

- (substituted or not substituted) benzoyl propionyl peroxide
- (substituted or not substituted) benzoyl butyryl peroxide
- (substituted or not substituted) benzoyl **lauroyl** peroxide
- (substituted or not substituted) benzoyl **stearoyl** peroxide

were used when testing the bleaching of a tea-stained fabric piece.

And the subject-matter of claims 1, 2, 3 and 7 also lacks novelty over D2, which discloses a liquid bleaching composition wherein benzoyl glutaryl peroxide is used (see D2, Example 1, Table 2).